

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TREMAINE L. BAILEM,

Petitioner,

v.

Case No: 2:16-cv-18-FtM-38MRM

STATE OF FLORIDA and  
SECRETARY, DOC,

Respondents.

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**OPINION AND ORDER<sup>1</sup>**

This matter comes before the Court on Petitioner Tremaine Bailem's Application for Certificate of Appealability (COA) ([Doc. #51](#)) filed on July 27, 2017. On June 26, 2017, the Court denied Bailem's Petition for habeas corpus relief under [28 U.S.C. § 2254](#), and found that Bailem was not entitled to a COA. As the Court noted in its Order, “[a] [COA] may issue...only if the applicant has made a substantial showing of the denial of a constitutional right.” [28 U.S.C. § 2253\(c\)\(2\)](#). To make such a showing, Petitioner “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” [\*Tennard v. Dretke\*, 542 U.S. 274, 282 \(2004\)](#) or,

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that "the issues presented were adequate to deserve encouragement to proceed further," *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003)(citations omitted).

In its previous Order, the Court found that Bailem failed to make the requisite showing and denied his COA. Bailem does not present any new evidence that would change the Court's earlier findings. Therefore, Bailem's Motion for a COA is denied.

Accordingly, it is now

**ORDERED:**

Appellant Tremaine Bailem's Application for Certificate of Appealability ([Doc. #51](#)) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida this 9th day of August, 2017.



SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies:  
Tremaine L. Bailem  
All Parties of Record  
SA: FtMP-2